

Appl. No. 10/808,066

Terminal Disclaimer dated December 8, 2004

Reply to Telephone call of December 7, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PRIMARY EXAMINER

Appl. No. : 10/808,066
Applicant : James E. Stoller
Filed : March 24, 2004
Title : PROTECTIVE WINTER TURF COVER
TC/A.U. : 3643
Examiner : Andrea M. Valenti
Docket No. : Y1.0044

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DEPOSIT ACCOUNT AUTHORIZATION

The fee calculates to \$55.00.

You are hereby authorized to charge my deposit account
number 16-1375 that amount and any other fee due

A duplicate original of this authorization is enclosed.

Respectfully submitted,

By: 

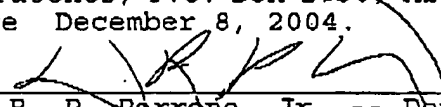
Mathew R. P. Perrone, Jr.
Reg. No. 22,951
Tel: (847) 658-5140

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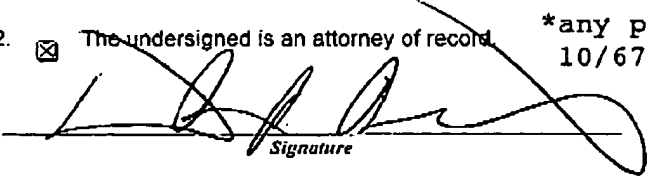
CERTIFICATE OF FAXING

I hereby certify that this correspondence is being
deposited by fax to (703) 746-9608 and addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-
1450, on or before December 8, 2004.


Mathew R. P. Perrone, Jr. -- Depositor

Mathew R. P. Perrone, Jr.
Attorney for Applicant
210 South Main Street

Algonquin, Illinois 60102
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Faxed on/before Dec. 8, 2004

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent					Docket No. Y4.0025	
In Re Application Of: James A. Stoller						
Application No. 10/808 066	Filing Date 3/24/04	Examiner Andrea Valenti	Customer No. 29438	Group Art Unit 3643	Confirmation No.	
Invention: Protective Winter Turf Cover						
Owner of Record: James E. Stoller						
<u>COMMISSIONER FOR PATENTS:</u>						
<p>The above-identified owner of record of a 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6739088*. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record. *any patent issuing on Serial Number 10/679,629 owned by the entity</p> <div style="text-align: center; margin-top: 10px;"> Dated: December 7, 2004</div> <div style="text-align: center; margin-top: 10px;">_____ Mathew R.P. Perrone, Jr. <small>Typed or Printed Name</small></div> <div style="margin-top: 10px;"><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</div>						